

TO: ALL COUNTY PERSONNEL

FROM: ROBERT WEISMAN
COUNTY ADMINISTRATOR

PREPARED BY: OFFICE OF FINANCIAL MANAGEMENT & BUDGET (OFMB)

SUBJECT: PROCEDURE AND POLICY REGARDING SBE REQUIREMENTS
RELATED TO CONSTRUCTION AND PROFESSIONAL
SERVICES CONTRACTS

PPM #: CW-O-049

ISSUE DATE
July 3, 2014

EFFECTIVE DATE
July 3, 2014

PURPOSE:

To establish specific criteria and data necessary to comply with the Palm Beach County Code, Sections 2-80.21 - 2-80.34 as it pertains to construction and related professional services contracts.

UPDATES ARE THE RESPONSIBILITY OF:

Future updates for this PPM is the responsibility of the Director, Financial Management & Budget Department.

AUTHORITY:

- Palm Beach County Code, Sections 2-80.21 - 2-80.34, as amended.
- Small Business Enterprise Program Policies and Procedures Manual, as amended.

POLICY:

In conjunction with all contracts and agreements entered into by the County for construction or professional services, Small Business Enterprise (hereinafter SBE) participation statistics/percentages must be maintained and tracked in order to determine if Palm Beach County Code, Sections 2-80.21 - 2-80.34 have been complied with.

PROCEDURES:

1. The Contract Development & Control Division of the Office of Financial Management & Budget (hereinafter CDC) will provide a summary of each contract Board agenda item to the Office of Small Business Assistance (hereinafter OSBA) in a form similar in format to "Attachment A". All statistics in relation to SBE/M/WBE participation at the time of award for all construction and professional services contracts entered into by the County are to be maintained and tracked by OSBA.

2. Participation statistics are to be calculated based on percentages incorporated into contracts at the time of contract award.
3. All required forms as mandated by the SBE Policies and Procedures Manual are to be part of the contract documents.
4. The annual SBE goal shall be a minimum of fifteen percent (15%). Any party or entity entering into a contract/agreement covered by this policy must have specific committed participation percentages and/or dollar amount incorporated into the body of the contract/agreement. If a bidder or proposer for a County contract/agreement covered by this policy exceeds the goal set by the County Code (or any revisions or amendments thereto) in their bid or proposal, the higher level of participation should be reflected in the body of the contract/agreement.
5. This policy shall apply to individual consultant services authorizations or task authorizations greater than \$10,000. It shall also apply to all construction change orders where the dollar value of the specific change order exceeds one percent (1%) of the original contract amount, but not less than \$10,000.
6. Each County user department shall enter SBE, M/WBE data into OSBA's data base, or provide electronically, as required by OSBA, pertaining to activity in relation to contracts under this PPM.

All SBE and M/WBE participation shall be tracked by OSBA.

7. For all contracts/agreements under this policy that are not approved by the Board of County Commissioners but are executed by another authorized official of the County, a full copy of said contract/agreement must be furnished to Contract Development and Control within the prescribed time frame as contained in Countywide PPM CW-O-051.
8. All statistics related to actual performance under the contract will be the responsibility of OSBA.
9. As part of the documentation required for Final Contract Summaries in relation to the completion and final payment for construction projects, a Routing Sheet, attached hereto as "Attachment B", must be included and signed off by OSBA.



ROBERT WEISMAN
COUNTY ADMINISTRATOR

Supersession History:

1. PPM# CW-O-049, issued 05/01/93
2. PPM# CW-O-049, issued 02/01/04
3. PPM# CW-O-049, issued 07/28/04
4. PPM# CW-O-049, issued 06/22/09

CONTRACT AGENDA ITEM SUMMARY FORM

TO: OFFICE OF SMALL BUSINESS ASSISTANCE

FROM: CONTRACT DEVELOPMENT & CONTROL / OFMB

BCC Agenda Item:

BCC Meeting Date:

Contractor / Vendor:

SBE/M/WBE Participation

(or Schedule 1 attached)

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NAME OR BID NAME: _____ PROJECT NO. OR BID NO.: _____
 NAME OF PRIME BIDDER: _____ ADDRESS: _____
 CONTACT PERSON: _____ PHONE NO.: _____ FAX NO.: _____
 BID OPENING DATE: _____ USER DEPARTMENT: _____

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT.

| Name, Address and Phone Number | (Check one or both Categories) | | DOLLAR AMOUNT OR PERCENTAGE OF WORK | | | |
|---|--------------------------------|--------------------------|-------------------------------------|----------|-------|------------------------|
| | M/WBE | SBE | Black | Hispanic | Women | Caucasian |
| | Minority Business | Small Business | | | | Other (Please Specify) |
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ | _____ | _____ |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ | _____ | _____ |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ | _____ | _____ |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ | _____ | _____ |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ | _____ | _____ |
| (Please use additional sheets if necessary) | | | Total | _____ | _____ | _____ |

Total Bid Price \$ _____

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work _____

Note:

1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
2. Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and N/WBE, please indicate the dollar amount or percentage under the appropriate category.
3. M/WBE information is being collected for tracking purposes only.

ROUTING SHEET

SBE/M/WBE COMPLIANCE REVIEW SECTION I

DATE: _____
TO: _____, Office of Small Business Assistance
RE: Approval of Pay Request

TYPE: Mark applicable contracting category:
_____ Construction
_____ Professional Service
_____ Procurement

Project or Contract Name: _____

Project/Contract No.: _____ Total Contract Amount: _____
Pay Application/Estimate No.: _____
Pay Application/Estimate Amount: _____

Attached forms: _____ Construction Activity for Month
_____ Pay Application for Professional Services or Procurement
_____ SBE/M/WBE Payment Certification

There are SBE/M/WBE payment forms for all SBE/M/WBE firms listed on the Activity form:
_____ Yes _____ No

If "No" is checked above, check reason:

_____ First pay application
_____ Work has not begun for SBE/M/WBE firm on project/contract
_____ Dispute between SBE/M/WBE firm and prime contractor/consultant
_____ Other - Explain on lines below if this is checked

Reason: _____

To be returned to:
Name: _____ Dept./Div.: _____
Fax: _____

SECTION II

SBE/M/WBE COORDINATOR'S REVIEW:

PAY REQUEST APPROVED: _____ FINAL PAY REQUEST APPROVED: _____

*PAY REQUEST DISAPPROVED: _____

**FINAL PARTICIPATION: SBE ____%; WBE ____%; BL ____%; HI ____%; ASIAN ____%; NATIVE ____%

Signature: _____ Date: _____

* See Section III for "Reason for Disapproval", "Recommended Remedy", and "Status Report".
** Applies to Final Pay Requests only.